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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

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In re:

DANIEL L. SMITH,

Chapter 13
Case No. 14-13970 (TBA)

Debtor.

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**RESPONSE OF DEBTOR DANIEL L. SMITH TO THE CHAPTER 13 TRUSTEE'S
OBJECTIONS TO CONFIRMATION OF HIS CHAPTER 13 PLAN**

Debtor Daniel L. Smith (the "Debtor"), by his undersigned counsel, hereby submits this response to the objections to confirmation of Marie-Ann Greenberg (the "Trustee"), Chapter 13 trustee for the above-captioned case. In support of this Response, the Debtor respectfully represents as follows:

1. On March 4, 2014, the Debtor filed his petition for relief under chapter 13 of title 11 of the United States Code (the "Bankruptcy Code"). The Debtor also filed his proposed Chapter 13 Plan (the "Plan") on the same date.

2. On March 5, 2014, the Trustee was appointed by the Court to serve as the chapter 13 trustee for the captioned bankruptcy case.

3. On April 9, 2014, the Trustee filed the Trustee's Objection to Confirmation of Plan (the "Objection"). In the Objection, the Trustee states her objection to the confirmation of the Plan as follows: "The Debtor's Schedule "J" includes expenses not

reasonably necessary for the support of the Debtor or his dependents. Specifically, \$700/month food for household of 1”.

4. On May 5, 2014, the Trustee filed the Trustee’s Supplemental Objection to Confirmation of Plan (the “Supplemental Objection”, and together with the Objection, the “Objections”). In the Supplemental Objection, the Trustee states her objection to the confirmation of the Plan as follows: “The Debtor’s Disposable Income has not been pledged for the entire Applicable Commitment Period in violation of 11 U.S.C. Section 1325(b)(1)(B). Specifically, I & J surplus of \$559.55 must be contributed to plan.”

Debtor’s Response to the Objection

5. In the Objection, the Trustee states that the Debtor’s Schedule J includes \$700 per month for food, and objects to that amount as not reasonably necessary for the support of the Debtor. However, the Debtor does not actually claim to spend \$700 per month for food on his Schedule “J”. Rather, line 7 of Schedule “J” (as that form was revised in December 2013) is for “Food and Housekeeping Supplies.” On this line, the Debtor listed \$700 for **both food and** housekeeping supplies. As a breakdown, the Debtor estimates that he spends approximately \$150 per month on household supplies, and approximately \$550 per month on food. We respectfully submit that such expenses are in fact reasonably necessary for the support of the Debtor.

Debtor’s Response to the Supplemental Objection

6. In the Supplemental Objection, the Trustee objects to confirmation of the Plan due to the fact that the Debtor does not pledge his disposable income as determined by Schedule I and J in the amount of \$559.55 to the Plan. On this date, the Debtor has filed a proposed amended chapter 13 plan (the “Amended Plan”) which proposes to contribute an

average of \$559.55 per month to the Plan, which should satisfy the Trustee's concerns in the Supplemental Objection.

WHEREFORE, the Debtor respectfully requests that the Court deny the relief sought in the Objections, confirm the Debtor's proposed Amended Plan, and order any such other relief as is just.

Dated: Hackensack, New Jersey
May 12, 2014

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By /s/ Moshie Solomon
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